

HINSHAW

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January 19, 2018

VIA ECF AND OVERNIGHT DELIVERY

Hon. Debra Freeman, U.S.M.J.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Courtroom 17A
New York, New York 10007

**Re: Starr Surplus Lines Insurance Company and Houston
Casualty Company v. CRF Frozen Foods, LLC / Dkt. No.:
1:17-cv-01030-PGG-DCF**

Dear Magistrate Freeman:

The undersigned, along with co-counsel, Choate, Hall & Stewart LLP, represent Plaintiff Starr Surplus Lines Insurance Company ("Starr") in the above referenced action. This action was transferred to Your Honor for "[g]eneral pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement)" via an Amended Order of Reference, executed by the Honorable Paul G. Gardephe on January 17, 2018. *See* ECF Dkt: 103.

In accordance with the Amended Order of Reference, and pursuant to Your Honor's Individual Rules of Practice, Starr, with the consent of Co-Plaintiff Houston Casualty Company ("HCC") and Defendant CRF Frozen Foods, LLC ("CRF"), respectfully submits this application to extend the time for all parties to serve requests for admission to February 14, 2017. Pursuant to the Court's October 30, 2017 Amended Civil Case Management Plan and Scheduling Order, the parties are currently required to serve requests for admission no later than January 22, 2018. *See* ECK Dkt: 101 at ¶ 2(b).

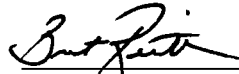
This is the second request by the parties for extensions of deadlines contained in the Court's original Civil Case Management Plan and Scheduling Order. *See* ECF Dkt: 90. The parties' first request for an extension of time was made by Joint Letter to Judge Gardephe on October 19, 2017. *See* ECF Dkt: 100. Judge Gardephe granted that application and issued an Amended Civil Case Management Plan and Scheduling Order on October 30, 2017. *See* ECF Dkt: 101.

Hon. Debra Freeman
January 19, 2018
Page 2

The current request only concerns the deadline to serve requests for admission and will not affect any other portions of the Amended Civil Case Management Plan and Scheduling Order, including the February 7, 2018, date to complete Phase I fact discovery. Enclosed herewith for Your Honor's reference is a copy of the October 30, 2017 Amended Civil Case Management Plan and Scheduling Order and a stipulation, executed by all parties, consenting to this request.

Respectfully submitted,

HINSHAW & CULBERTSON LLP
Attorneys for Plaintiff
Starr Surplus Lines Insurance Company



Brent M. Reitter

Enc.
BMR/bmr

cc: All Parties Via ECF

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STARR SURPLUS LINES INSURANCE
COMPANY and HOUSTON CASUALTY
COMPANY,

Plaintiffs,

- against -

CRF FROZEN FOODS, LLC,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/31/17

**AMENDED
CIVIL CASE MANAGEMENT PLAN
AND SCHEDULING ORDER**

17 Civ. 1030 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

After consultation with counsel for the parties, the Court modifies the July 26, 2017 Civil Case Management Plan and Scheduling Order as follows:

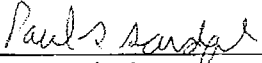
1. The parties must complete Phase I fact discovery no later than February 7, 2018.
2. If all parties consent in writing, they may extend the following interim deadlines without application to the Court, provided that the parties complete all fact discovery by the date set forth in paragraph 1. Under this Order's interim deadlines, the parties must:
 - a. Complete depositions of fact witnesses by February 7, 2018.
 - i. Unless the parties agree or the Court so orders, the parties may not hold depositions until all parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
 - iii. Unless the parties agree or the Court so orders, non-party depositions must follow initial party depositions.
 - iv. Consistent with Federal Rule of Civil Procedure 30(d), the parties may not extend depositions beyond one business day without prior leave of the Court.
 - b. Serve requests to admit no later than January 22, 2018.

3. The parties must complete Phase I expert discovery no later than April 11, 2018.
 - a. Every party-proponent that intends to offer expert testimony in respect of a claim—including any counterclaim, cross-claim or third-party claim—must make the disclosures required by Federal Rule of Civil Procedure 26(a)(2) by February 21, 2018. Every party-opponent of such claim that intends to offer expert testimony in respect of such claim must make the disclosures required by Federal Rule of Civil Procedure 26(a)(2) by March 7, 2018.
 - b. No party may offer expert testimony—whether designated as “rebuttal” or otherwise—beyond the scope of the opinions that the aforesaid disclosures cover, except with leave of the Court, application for which must be made no later than 7 calendar days after the latter of the dates specified in paragraph 3(a). The parties may depose all experts, but such depositions must occur within the time limit set forth for expert discovery in paragraph 3.
4. No later than 14 days following the close of fact discovery, all counsel must meet face-to-face for at least one hour to discuss settlement.
5. Parties seeking to make Phase I post-discovery dispositive motions should submit a letter to the Court in accordance with Rule 4(A) of the Court’s Individual Practices by April 18, 2018. Opposition letters are due April 23, 2018.
6. It is further ordered that the pretrial conference currently scheduled for February 15, 2018 is rescheduled to April 12, 2018 at 10:00 a.m. in Courtroom 705 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York.
7. All other portions of this Court’s Civil Case Management Plan and Scheduling Order (Dkt. No. 90) remain in full effect.

This ORDER may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend must be made in a written application in accordance with the Court’s Individual Practices.

Dated: New York, New York
October ~~30~~, 2017

SO ORDERED.



Paul G. Gardephe
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STARR SURPLUS LINES INSURANCE
COMPANY and HOUSTON CASUALTY
COMPANY,

Plaintiffs,

-against-

CRF FROZEN FOODS, LLC

Defendant

Docket No. 17 Civ. 1030 (PGG)

**SO-ORDERED STIPULATION
EXTENDING DEADLINE TO SERVE
REQUESTS FOR ADMISSION**

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for all parties to the above captioned action, that the following dates contained in the Court's October 30, 2017 Amended Civil Case Management Plan and Scheduling Order (ECF Dkt. No.: 101), pending Court approval, are amended as follows:

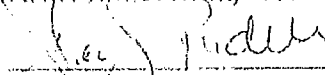
2(b). Serve requests to admit no later than February 14, 2018.

All other dates and deadlines in the Court's October 30, 2017 Amended Civil Case Management Plan and Scheduling Order are unaffected by this Stipulation.

IT IS FURTHER STIPULATED AND AGREED that this Stipulation may be executed in counterparts and facsimile or electronic signatures shall be deemed original.

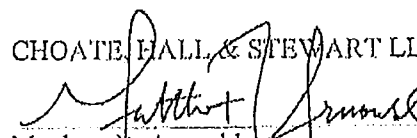
Dated: January 17, 2018

ANDERSON KILL, P.C.


Steven J. Spudell

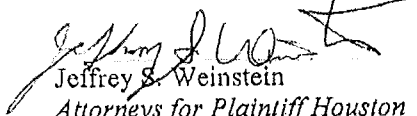
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SO ORDERED:

Hon. Debra C. Freeman
United States Magistrate Judge